

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

JOE HAND PROMOTIONS, INC.,
Plaintiff,
- against -
BARNACLE BILL'S LLC, et al.,
Defendants.

CASE NO.: 4:17-cv-01324-RBH

**ORDER FOR JUDGMENT BY DEFAULT AGAINST DEFENDANT BARNACLE
BILL'S LLC d/b/a BARNACLE BILL'S RUM & RAW BAR**

Upon consideration of Plaintiff's Motion for Final Default Judgment ("Motion"), the accompanying Memorandum of Points and Authorities in Support thereof and evidence, the pleadings on file and the relevant authorities, the Court concludes that Plaintiff has established that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553 and 605 and recognizes Plaintiff's election to seek statutory damages. The Court also concludes that it has jurisdiction over the subject matter and parties to this action; that Defendant Barnacle Bill's LLC d/b/a Barnacle Bill's Rum & Raw Bar (hereinafter "Defendant") failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure following proper service; that the allegations in Plaintiff's Original Complaint are deemed admitted against Defendant; that Defendant exhibited the closed circuit, "Ultimate Fighting Championship® 207: Nunes v. Rousey" Broadcast, including all undercard bouts and the entire television broadcast, scheduled for December 30, 2016, (hereinafter "Broadcast") without authorization from Plaintiff; and that Defendant's actions were willful and for purposes of direct or indirect commercial advantage or private financial gain. Therefore, additional damages are warranted in this action.

The Court has considered the memorandum and reviewed the affidavits and exhibits regarding the size of the establishment, the number of customers, and the rate card, which indicates the rate for the event was \$893.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, Judgment by default is entered in favor of Plaintiff and against Defendant Barnacle Bill's LLC d/b/a Barnacle Bill's Rum & Raw Bar.

2. That Plaintiff recover statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendant in the amount of \$1,786.00. The Court notes this is double the rate card amount.

3. That Plaintiff recover additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendant in the amount of \$1,786.00 for willful violation and as the violation was committed for private financial gain or commercial advantage.

4. That Plaintiff recovers attorneys' fees from Defendant in the amount of \$1,500.00 and costs in the amount of \$645.00 relating to the prosecution of this matter. The Court has considered the *Barber v. Kimbrell's, Inc.* factors and the Court is familiar with fees normally charged in this district and finds the hourly rate of counsel is reasonable in this district.

5. Total judgment awarded against Defendant Barnacle Bill's LLC d/b/a Barnacle Bill's Rum & Raw Bar is \$5,717.00.

6. Because Defendant William Lindsay was not served within the time limits set forth in Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff's claims against Defendant William Lindsay should normally be dismissed without prejudice. However, the Court notes that Rule 4(m) requires notice to Plaintiff, therefore, this Order shall constitute such notice to

Plaintiff that unless objection is filed within 3 days, and good cause shown, the Clerk shall dismiss the individual William Lindsay without prejudice.

IT IS SO ORDERED.

January 3, 2018
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge